

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

JERRY THOMAS SPEIGHT,)	
)	
Movant,)	
)	Civ. No. 16-1175-JDT-egb
)	Crim. No. 04-10084-02-JDT
VS.)	
)	
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER DIRECTING UNITED STATES TO RESPOND

The Movant, Jerry Thomas Speight, has filed a motion pursuant to 28 U.S.C. § 2255 (ECF No. 1), challenging the sentence imposed after he was convicted of being a felon in possession of a firearm in violation of 18 U.S.C. § 922(g). He argues that his 175-month sentence, which was enhanced pursuant to the Armed Career Criminal Act, 18 U.S.C. § 924(e), is unlawful under the decisions in *Johnson v. United States*, 135 S. Ct. 2551 (2015), and *United States v. Stitt*, 860 F.3d 854, 860-61 (6th Cir. 2017) (en banc). Movant has also filed a motion for immediate release. (ECF No. 6.)

It is ORDERED that the United States shall file a response to the § 2255 motion and Movant's motion for immediate release within 21 days after the date of this order. The United States shall ensure that its response specifically addresses whether the Movant's

various prior Kentucky burglary convictions (Presentence Report ¶¶ 25 & 31) may be counted as ACCA predicate convictions under the reasoning in *Stitt*.

IT IS SO ORDERED.

s/ **James D. Todd**
JAMES D. TODD
UNITED STATES DISTRICT JUDGE